

REMARKS

In an office action dated 12 November 2004, the Examiner rejects claims 1-83 (all pending claims). In response to the office action, Applicants amend claims 1, 6, 17, 20, 34, 35, 38, 49, 50, 55, 66, 67, 72 and 83. Applicants also cancel claims 4, 5, 21, 22, 36, 37, 53, 54, 70, and 71. Furthermore, Applicants also respectfully traverse the rejections. Claims 1-3, 6-20, 23-35, 38-52, 55-69, and 72-83 remain in the application

The Examiner rejects claim 1-83 under 35 U.S.C. § 102 (b) as being anticipated by Heuristic Physics Laboratories, Inc.'s Workflow View User's Guide. To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). The test for anticipation is symmetrical to the test for infringement and has been stated as: "That which would literally infringe [a claim] if later in time anticipates if earlier than the date of invention." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *Connell v. Sears Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 1931, 1938 (Fed. Cir. 1983). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985). The Examiner has failed to provide a single reference that teaches all of the elements to claims 1-83 instead the examiner has cited at least two references with no specified number of references as etc. is ambiguous to exactly what the Examiner is using to reject the claims.

Amended claim 1 recites limitations of a first and second object that retrieve data from first and second databases where the first and second database have different schema for storing data. The user's guide does not teach this limitation. The User's guide merely teaches how a user may select different types of data from databases. The users guide makes no mention of the underlying objects being able to retrieve the data from different databases that use different schema for storing the data. This is a useful feature in that the user does not need to know the schema used for storing data. Instead, the user merely selects the data to retrieve. The users guide does not teach this as the User's guide simply teaches the User's interaction with the software applications. Thus, Applicants respectfully request the rejection of claim 1 be removed and amended claim 1 be allowed.

Claims 2-16 are dependent from amended claim 1. Thus, claims 2-3 and 5-16 are allowable for at least the same reasons as amended claim 1. Therefore, applicants respectfully request that the rejections to claims 2-16 be removed and claims 2-16 be allowed.

Amended Claim 17 recites the method performed by the software of amended claim 1. Thus claim 17 is allowable for at least the same reasons as amended claim 1. Therefore, applicants respectfully request that the rejection of claim 17 be removed and amended claim 17 be allowed.

Claims 18-19 are dependent from amended claim 17. Thus, claims 18-19 are allowable for at least the same reasons as amended claim 17. Therefore, applicants

respectfully request that the rejections to claims 18-19 be removed and claims 18-19 be allowed.

Claim 20 is rejected for the same reasons as claim 1. However, claim 20 has a means for displaying that is different from the means for displaying recited in amended claim 1. Specifically, claim 20 recites an interactively alterable switch function instead of the interactively alterable operation parameter. Since amended claim 20 recites the same first and second objects as amended claim 1, amended claim 20 is allowable for the same reasons as amended claim 1. Thus, applicants respectfully request that the rejection of claim 20 be removed and amended claim 20 be allowed.

Claims 21-33 are dependent upon claim 20. Thus, claims 23-33 are allowable for the same reason as claim 20. Therefore, Applicants respectfully request that the rejections of claims 21-33 be removed and that claims 23-33 be allowed.

The Examiner rejects claim 34 under 35 U.S.C. §103(a) as being obvious from the Workflow User's Guide, in view of the Switch Engine User's Guide by HPL.). In order to maintain a rejection the Examiner has the burden of providing evidence of prima facie obviousness. See MPEP §2143. See also In Re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In order to prove prima facie obviousness, the Examiner must provide evidence in the prior art of a motivation to combine or modify a reference, a reasonable expectation of success, and a teaching of each and every claimed element. *Id.* The Examiner has not provided a reference that teaches each and every claimed element.

Amended claim 34 recites the same first and second objects as amended claim 1. Thus, the Workflow User guide does not teach these limitations for the same reason as given in the argument for amended claim 1. Applicants have also reviewed the Switch Engine User's guide and not found any reference to retrieving data from different databases stored in different schema. Instead, the Switch Engine Users guide merely teaches how to select the data to be retrieved and does not teach how the data is retrieved for this reason, the Switch Engine User's Guide does not teach the first and second objects. Since neither of the User's guides teach the first and second objects, the combination does not teach the first and second objects. Therefore, applicants respectfully request the rejection of claim 34 be removed and amended claim 34 be allowed.

The Examiner rejects claim 35 under the same art cited in the rejection of claim 34. However, the Examiner then rejects the claim with the Workflow User's Guide in view of the Conditional Execution User's Guide. This is confusing as the rejection states in one section that claim 35 is obvious from two documents and then introduces a third document in the rationale for the rejection. Thus, for purposes of this response to the office action, the Applicants will assume the Examiner meant that to reject the claim using the references stated in the rationale. However, Applicants request clarification of this and a chance to respond if Applicants are in error.

Amended claim 35 recites the same first and second objects as amended claim 1. Thus, the Workflow guide does not teach these objects for the reasons stated with regard to amended claim 1. Furthermore, the Conditional Execution Engine User's guide also does not teach these objects as the Conditional Engine Guide is silent on

Input objects. Since neither reference teaches the first and second objects, the combination of the reference cannot teach these objects. Thus, Applicants respectfully request that the rejection of claim 35 be removed and amended claim 35 be allowed. However, claim 20 recites an interactively alterable switch function. Claim 35 does not recite this limitation and instead recites the branch processing. Thus, the rejection of claim 20 does not apply to claim 35. Furthermore, the Examiner adds a second reference, Conditional Execution Engine User Manual, to the Workflow User Manual to reject the claim. In order to be valid, a §102 rejection must have a single reference that teaches all of the elements. Thus, the Examiner has provided an invalid rejection. Therefore, Applicants respectfully request that the rejection be removed and that claim 34 be allowed. Alternatively, if the Examiner provides a valid rejection Applicants expect an opportunity to respond to the valid rejection.

Claims 38-48 are dependent upon claim 35. However, the Examiner rejects claims 38-45 and 47 under 35 U.S.C. §102(b). This rejection is invalid. As the Examiner admits in the 35 U.S.C. §103(a) rejection of claim 35 that the Workflow User's Guide does not teach each and every claimed element of claim 35 which is incorporated into these claims. Thus, this rejection must be removed. In light of the argument to claim 35, Applicants therefore request claims Claims 38-45 and 47 be allowed as being dependent upon claim 35. Thus, the rejections of claims 36-48 are invalid for the same reasons as claim 35. Alternatively, if the Examiner provides proper rejections, Applicants expect an opportunity to respond.

Claims 46 and 48 are dependent from amended claim 35 and are allowable for at least the same reasons as claim 35. Thus, Applicants respectfully request that claims 46

and 48 be allowed. Applicants would further like to point out that the rejections of claims 46 and 48 have the same fault as the rejection of claim 35 in that a different reference is used in the rationale than the reference stated in the rejection.

The Examiner states that claim 49 recites the same software tool as claim 35. Thus, claim 49 is allowable for at least the same reasons as claim 35. Applicants would like to further point out the rejection of claim 49 has the same ambiguity as the rejection of claim 35. Since claim 49 is allowable for at least the same reasons as claim 35, Applicants respectfully request that the rejection of claim 49 be removed and amended claim 49 be allowed. Alternatively, if the Examiner provides a valid rejection Applicants expect an opportunity to respond to the valid rejection.

Claim 50 is rejected under 35 U.S.C. §102 (b) for the same reasons as claim 1. Amended claim 50 recites the same first and second objects as amended claim 1. Thus claim 50 is allowable for at least the same reasons as amended claim 1. Therefore, Applicants respectfully request that the rejection of claim 50 be removed and amended claim 50 be allowed.

Claims 51, 52, and 55- 65 are dependent upon claim 50. Thus, claims 51, 52, and 55-65 are allowable for the same reasons as claim 50. Therefore, Applicants respectfully request that the rejections of claims 51, 52 and 55-65 be removed and claims 51, 52, and 55-65 be allowed.

The Examiner rejects claim 66 under 35 U.S.C. §102(b) as being anticipated by the Work Flow User's Guide. Amended claim 66 recites the same first and second object

as amended claim 1. Thus, amended claim 66 is allowable for at least the same reasons as amended claim 1. Thus, Applicants respectfully request that the rejection of claim 66 be removed and amended claim 66 be allowed.

The Examiner rejects claim 67 under 35 U. S. C. §103(a) as being unpatentable over the Work Flow User's Guide in view of the Switch Engine User's Guide. Claim 67 recites the same first and second objects as recited in amended claim 1. Thus, amended claim 67 is allowable for at least the same reasons as amended claim 1. Therefore, Applicants respectfully request that the rejection to claim 67 be removed and amended claim 67 be allowed.

Applicants would like to further point out that the rationale for this rejection makes no sense. The Examiner states under the rational for claim 67 that since claims 50 and 66 recite a software development tool that is the same as claim 1 the same rejection applies. The Examiner has not given any rationale for the rejection of claim 67. The Examiner has merely pasted the same rationale given for the §102 rejection of claim 66 without bothering to change the claim numbers and added other for the Conditional Branching User's Guide that is not even mentioned in the rejection. Furthermore, the Examiner adds a second reference, the Conditional Execution Engine User Manual, to the Workflow User Manual to reject the claim. Thus, Applicants cannot be sure what the rejection is. Thus, if the Examiner wishes to maintain the rejection, Applicants respectfully request that the Examiner provide a proper rejection to which the Applicants may respond. If the Examiner provides a valid rejection Applicants expect an opportunity to respond to the valid rejection.

Claims 68, 69, and 72-82 are dependent upon claim 67. Thus, the claims 68, 69, and 72-82 are allowable for the same reasons as claim 67. Thus, Applicants respectfully request that the rejections of claims 68, 69, and 72-82 be removed and claims 68, 69, and 72-82 be allowed.

Furthermore, Claims 72-80 and 82 are dependent upon claim 67. However, the Examiner rejects these claims 72-80 and 82 under 35 U.S.C. §102(b). This rejection is invalid. As the Examiner admits in the 35 U.S.C. §103(a) rejection of claim 67 (as can be best understood by Applicants) that the Work Flow User's Guide does not teach each and every claimed element of claim 67 which is incorporated into these claims. Thus, this rejection must be removed. If the Examiner provides proper rejections, Applicants expect an opportunity to respond.


The Examiner rejects claim 83 for the same reasons as claim 67. The rationale for this rejection has the same deficiencies as stated for claim 67. However, claim 83 is allowable for at least the same reasons as claim 83. Therefore, Applicants respectfully request that the rejection be removed and that the claim 83 be allowed. Alternatively, if the Examiner provides a valid rejection Applicants expect an opportunity to respond to the valid rejection.

If the Examiner has any questions regarding this response or the application in general, the examiner is invited to telephone the undersigned at 775-586-9500.

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